



Room 301, Hall of Records
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Board of Supervisors Agenda

Chairman
Juan Arambula
3rd District

Vice Chairman
Susan B. Anderson
2nd District

Phil Larson
1st District

Judith G. Case
4th District

Bob Waterston
5th District

Bart Bohn
County Admin. Officer

Phillip S. Cronin
County Counsel

Bernice E. Seidel
Clerk

ACTION SUMMARY MINUTES

TUESDAY

MAY 13, 2003

9:00 A.M.

PLEDGE OF ALLEGIANCE

1. Presentation of Retirement Plaque to Hal Eidal – County Administrative Office, 28 Years of Service

PRESENTED

Supervisor Arambula

2. Proclaim May 21, 2003 as Economic Opportunities Commission Foster Grandparent Program Day

CLAnWA

APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 03-201

3. Proclaim May as Refugee Awareness Month

DELETED

4. Proclaim May 11 through 16, 2003 as Juror Appreciation Week

AnLCWA

APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 203

5. Proclaim May as Veterans' Appreciation Month

LCAAnWA

APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 204

6. Proclaim May 12 through 18, 2003 as Volunteers in Parole Week

AnCLWA

APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 205

7. Direct staff to develop policies and procedures for proclamations, resolutions and certificates

B.O.

DIRECTED STAFF TO TAKE INTO CONSIDERATION THE BOARD'S COMMENTS AND RETURN AT LATER DATE FOR FURTHER DISCUSSION

Supervisor Waterston

8. Adopt resolution dedicating the portion of State Highway Route 168 from the Temperance Avenue interchange to Shepherd Avenue in the City of Clovis to the memory of Deputy Sheriff Phelps

WLANCA **APPROVED AS RECOMMENDED**

9. **Morning Consent Agenda – Item Numbers 23 - 45**

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Morning Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AnCLWA **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 34 WHICH WAS DELETED FROM AGENDA**

Administrative Office

10. Accept the FY 2002-03 Children Count! Report Card on the Well-Being of Children in Fresno County

AnWCLA **APPROVED AS RECOMMENDED**

11. Receive verbal report on Information Technology Service Department rates (continued from April 29, 2003)

AnCLWA **DIRECTED STAFF TO AUTHORIZE CAO AND THE AUDITOR TO WORK TOGETHER TO PERFORM FINANCIAL, MANAGEMENT AND OPERATIONAL AUDITS OF THE ITSD DEPARTMENT AND GIVE THEM AUTHORIZATION TO HIRE OUTSIDE EXPERTISE AS NEEDED**

12. **Board of Supervisors' Committee Reports** – Receive and provide direction (This item reserved for committee reports by members of the Board of Supervisors)

RECEIVED

13. **Board Appointments** – (List attached in packet and posted on bulletin board outside of Board Chambers)

CHILDREN AND FAMILIES COMMISSION OF FRESNO COUNTY OF FRESNO

REAPPOINTED DR. OSCAR SABLAN

CITIZENS REVIEW PANEL (Library Sales Tax)

REAPPOINTED JAN KRAFTON

CIVIL SERVICE COMMISSION

REAPPOINTED ALFRED W. HARKER

FRESNO-MADERA AREA AGENCY ON AGING – GOVERNING BOARD

REAPPOINTED TRISH JOHNSON

HISTORICAL LANDMARKS & RECORDS ADVISORY COMMISSION

**REAPPOINTED ANNA HERRERA, MARGARET MURPHY AND VIRGIL AHLBERG IF
HLRC NOMINATES**

HOME RULE ADVISOR COMMITTEE

REAPPOINTED BARBARA FERGUSON

HOUSING & COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE

REAPPOINTED THOMAS BELLUOMINI

REAPPOINTED EDDIE EDWARDS

REAPPOINTED KEITH EUBANKS

HUMAN RESOURCES ADVISORY BOARD

REAPPOINTED GEORGE FINLEY

APPOINTED TIM SAMARIN TO FILL VACANT POSITION

MENTAL HEALTH BOARD

APPOINTED EMILY NICOLE CORBETT MANOOSIAN TO REPLACE ADA WOLFF

REAPPOINTED KAREN LUSEAR

RECREATION & WILDLIFE COMMISSION

REAPPOINTED LEE NILMEIER

SANGER/DEL REY CEMETERY DISTRICT

REAPPOINTED TIM HENRY

SELMA CEMETERY DISTRICT

REAPPOINTED VERNON STARR

SEQUOIA AREA VIII DEVELOPMENTAL DISABILITIES BOARD

**APPOINTED KATHLEEN TURNIPSEED TO REPLACE ROBERT SCRIBNER'S VACANT
POSITION**

SOLID WASTE APPEALS BOARD

REAPPOINTED DALE RUTHERFORD

WORKFORCE INVESTMENT BOARD

REAPPOINTED DON PIERCE

APPROVED NOMINATIONS FOR APPOINTMENTS/REAPPOINTMENTS

14. **Closed Session –**

- a. Conference with legal counsel – Initiation of Litigation
Government Code Section 54956.9(c) – No. of Cases: 1
- b. Conference with legal counsel – Existing Litigation
Government Code Section 54956.9(a) – County of Fresno v. Board of Retirement, Fresno County Superior Court Case No.: 03CECG01569
- c. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Ralph Jimenez; Employee Organization: All Bargaining Units and Management and Unrepresented Employees – Hours, Wages and Terms and Conditions of Employment
- d. Conference with legal counsel – Existing Litigation
Government Code Section 54956.9(a) - Ann M. Bennett; Gerald A. Gallagher; Thomas Gattie; Delores Medina; Service Employees International Union, Local 535, AFL-CIO v. County of Fresno; Board of Supervisors, County of Fresno; Gary Peterson, Auditor/Controller, County of Fresno; Superior Court, County of Fresno
Fresno County Superior Court Case No. 01CECG01042

HELD

NOON RECESS

2:00 P.M.

15. Afternoon Consent Agenda – Item Numbers 46- 55

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Afternoon Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AnCLWA **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NOS. 54 AND 55 WHICH WERE PULLED FOR DISCUSSION**

CAnLWA **APPROVED ITEM NO. 54 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT**

CAnLWA **APPROVED ITEM NO. 55 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT**

Administrative Office

16. Conduct first hearing of proposed ordinance to amend Master Schedule of Fees, Charges, and Recovered Costs by amending Section 2800 - Solid Waste, Subsection 2801, American Avenue Disposal Site, and set second hearing for May 20, 2003

CAnLWA **APPROVED AS RECOMMENDED; WAIVED READING OF ORDINANCE IN ITS ENTIRETY**

17. Conduct hearing to receive ballot results from County Service Area No. 31 property owners on imposing increased structural fire and recreational service fees required under Proposition 218; if majority of votes submitted approve the proposal, adopt resolution approving increased fees and direct staff to include fees on Master Schedule of Fees, Charges and Recovered Costs for administrative purposes; if majority of votes submitted disapprove the proposal based on number of ballots received, adopt resolution denying increased fees and continue with existing fees

AnWCLA **ADOPTED RESOLUTION APPROVING INCREASED FEES AND DIRECTED STAFF TO INCLUDE FEES ON MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS FOR ADMINISTRATIVE PURPOSES**

18. Conduct hearing to receive ballot results from County Service Area No. 10 property owners on imposing increased landscaping service fee as required under Proposition 218; if there is no majority protest, adopt resolution approving increased fee and direct staff to include fee on Master Schedule of Fees, Charges and Recovered Costs for administrative purposes; if there is a majority protest based on number of ballots received, adopt resolution denying the increased fee and continue with existing fees

AnWCLA **ADOPTED RESOLUTION APPROVING INCREASED FEES AND DIRECTED STAFF TO INCLUDE FEES ON MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS FOR ADMINISTRATIVE PURPOSES**

19. Conduct hearing to receive ballot results from County Service Area No. OV - Van Ness Blvd. Estates Nos. 1 and 2 property owners on imposing increased streetlighting service fees required under Proposition 218; if there is no majority protest, adopt resolution approving increased fee and direct staff to include fee on Master Schedule of Fees, Charges and Recovered Costs for administrative purposes; if there is a majority protest based on the number of ballots received, adopt resolution denying increased fee and continue with existing fee

AnCLWA **ADOPTED RESOLUTION DENYING INCREASED FEE AND DIRECTED STAFF TO CONTINUE WITH EXISTING FEE**

20. Adopt Resolution of Intention to amend Zoning Ordinance to initiate process to consider modifications to County's secondary housing provisions as authorized under Government Code Section 65852.2

CAnLWA

APPROVED AS RECOMMENDED

21. Consider request by the California Integrated Waste Management Board to use Archie Crippen Excavation project materials (Materials) as alternative daily cover (ADC) at American Avenue Disposal Site (Disposal Site) and waive all applicable disposal fees; provide direction to Department of Public Works and Planning staff regarding following options for handling Materials at Disposal Site: Option A: Deny acceptance of the Materials; Option B: Accept Materials for disposal and charge general refuse disposal fee (\$28.80 per ton), or hard-to-handle disposal fee (\$39.80 per ton), depending on composition and disposition of the loads; Option C: Accept Materials for use as ADC and charge proposed, new general refuse disposal fee for green waste (\$16.85 per ton); Option D: Accept Materials for use as ADC and waive all disposal fees; if the Board should elect to accept Materials (Options B, C and D, above), direct staff to prepare an agreement with the State that addresses conditions of acceptance of Materials; if the Board should elect to accept Materials for use as ADC and waive all disposal fees (Option D), direct staff to return to Board with resolution for its consideration and adoption, finding that waiver of disposal fees provides a public purpose

ACAnLW

ACCEPTED AND DIRECTED STAFF TO ACCEPT FROM THE STATE CRIPPEN CLEAN UP MATERIALS FOR ALTERNATIVE DAILY COVER AT THE COUNTY DISPOSAL SITE AT NO COST CONDITIONED UPON: 1) THE MATERIAL BEING PROCESSED TO COUNTY STANDARDS FOR USE AS ALTERNATIVE DAILY COVER, 2) PAYMENT BY THE STATE OF \$10 PER TON FOR ANY PROCESSED MATERIAL STORED ON THE COUNTY SITE AWAITING USE AS ALTERNATIVE DAILY COVER, AND 3) THERE BE NO NET COUNTY COST (NO OUT OF POCKET COUNTY COST) FOR RECEIVING THE MATERIAL. IF THE CONDITIONS ARE ACCEPTABLE TO THE STATE, THE BOARD AUTHORIZED STAFF TO EXECUTE AN AGREEMENT CONSISTENT WITH THE TERMS SET FORTH ABOVE

22. **Public Presentations** – (This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda – Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic)

HELD

WLAAnCA

ADJOURNED**NEXT MEETINGS:**

May 20, 2003 – 9:00 A.M.

June 3, 2003 – 9:00 A.M.

Notice of Public Information Meeting:

First meeting of Fresno County Westside Economic Development Project
Mendota High School, 1200 Belmont Ave., Mendota
Thursday, May 15, 2003, at 7:00 P.M.

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 488-3529 no later than Monday at 9:00 a.m.

MORNING CONSENT AGENDA – Item Numbers 23 - 45

(Any Board Member may pull any consent item for discussion or separate vote)

AnCLWA

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 34 WHICH WAS DELETED FROM AGENDA

Supervisor Arambula

- 23. Proclaim May 18 through 24 as National Association of Insurance Women Week
- 24. Resolution for Off Road Vehicle Safety Program Resolution

Supervisor Larson

- 25. Adopt resolution honoring the 2003 Kearney Old Timers Award winners – two winners to be named at the reunion on Sunday, May 18, 2003

County Clerk

- 26. Approve and authorize Chairman to execute an agreement with Diebold Election Systems, Inc., to provide absentee processing for ballots, inserted materials and envelopes (450,000)

County Counsel

- 27. Approve and authorize Chairman to execute Indemnification agreement with Calaveras Materials, Inc.

Sheriff

- 28. Approve and authorize the submission of an application to the Department of Justice for the Project Safe Neighborhoods program funding (\$311,000)
- 29. Approve and authorize the submission of an application to the Department of Commerce for the Technology Opportunities program funding (\$700,000)
- 30. Determine not to allocate funds for the lease agreement with Oates and O'brien, including all assignees, for office/warehouse space; approve and authorize Chairman to terminate the lease agreement with Oates and O'brien, including all assignees, for office/warehouse space at 720 E. North Avenue, effective July 31, 2003, pursuant to the non-funding termination provision of the lease
- 31. Approve and authorize Chairman to execute a revenue agreement with the U.S. Army Corps of Engineers for Sheriff's Law Enforcement Services at Pine Flat Lake (\$25,526)

Administrative Office

- 32. Adopt resolution to increase FY 2002-03 appropriations and estimated revenues for the Department of Agriculture Org. 4010 to conduct survey and educational activities related to Exotic Newcastle Disease (\$121,193) (4/5 vote)
- 33. Adopt resolution increasing the FY 2002-03 Library Measure 'B' Capital Projects Org. 7530 appropriations and estimated revenues to build a quiet room for the Cedar-Clinton Branch Library (\$39,000) (4/5 vote)
- 34. Approve and authorize Clerk to execute Budget Transfer No. 77 (\$39,562) for the Department of Children and Family Services to purchase conference tables, one television/video cassette recorder, and 5 copy machines for use in Children's Mental Health and administrative programs

DELETED

35. Authorize the submission of an application to the California Department of Social Services for augmentation funding designated to align Child Welfare services and redesign implementation strategies with existing Child Welfare reform efforts
36. Amend the 2003 Board of Supervisors calendar to cancel the June 24, 2003, meeting and add the June 17, 2003, meeting
37. Approve and authorize the disposal of a Shot Mobile Bounder Motor Home (Equipment No. 3609) that has been deemed surplus property
38. Adopt resolutions rejecting claims for damages, and rejecting applications for leave to present late claims for damages
39. Approve and authorize retroactive submission of application to the Fresno-Madera Area Agency on Aging for Title III E Family Caregiver Support Program Grant Funds; approve and authorize Chairman to execute agreement with Fresno-Madera Area Agency on Aging for website services to seniors, caregivers and persons with disabilities (\$44,167); authorize Director of the Department of Adult Services to approve and execute all subsequent amendments and necessary supporting documents; adopt budget resolution increasing the FY 2002-03 Department of Adult Services Org. 56307635 appropriations and estimated revenues (\$44,167) for Network of Care website services (4/5 vote); and authorize the Director of the Department of Adult Services to begin negotiations with the sole source vendor, Trilogy Integrated Resources Limited Liability Company, to provide the development, implementation, support and maintenance of the Network of Care website
40. Approve and authorize Chairman to execute two applications for assistance for submission to the California Office of Homeland Security for FY 2002 State Domestic Preparedness program grant funds for equipment and exercises and (\$403,669); FY 2003 State Homeland Security grant program funds for equipment, exercises, and planning (\$803,144); and adopt resolutions authorizing the Interim Director of Community Health, or designees, to execute necessary documents on the County's behalf to meet each grant's requirements
41. Determine not to allocate funds for the lease agreement with ARBL Partners, c/o Pacific Central Management, for office space at 1260 M Street, due to funding limitations for FY 2003-04; and approve and authorize the Director of the Department of Children and Family Services to terminate the lease agreement with ARBL Partners, c/o Pacific Central Management, effective July 13, 2003, pursuant to the non funding termination provision of the lease
42. Approve and authorize Director of the Department of Children and Family Services to terminate agreements with Island View Treatment Facility, Devereux Texas Treatment Network, San Joaquin County Mental Health Services, Community Group Homes of Central California, Genesis Group Homes, Inc., and Fresno Youth Advocates effective June 30, 2003

Agreements – Approve and Authorize Chairman to Execute

43. Water Hyacinth survey and treatment contract amendment with California Department of Boating and Waterways; approve and authorize the Clerk to execute Budget Transfer No. 76 FY 2002-03 Agriculture Department Org. 4010 to purchase equipment (\$5,000)

44. Sole source agreement with the Fresno County Economic Opportunities Commission to conduct outreach activities for the Department of Community Health's Babies First program (\$387,552)
45. Retroactive amendment to the agreement with Turning Point of Central California, Inc., for enhanced program services (\$896,424); and adopt resolution increasing the FY 2002-03 Department of Adult Services appropriations and estimated revenues to cover operating costs (\$300,634) (4/5 vote)

AFTERNOON CONSENT AGENDA – Item Numbers 46 - 55

(Any Board Member may pull any consent item for discussion or separate vote)

AnCLWA

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NOS. 54 AND 55 WHICH WERE PULLED FOR DISCUSSION

CAnLWA

APPROVED ITEM NO. 54 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT

CAnLWA

APPROVED ITEM NO. 55 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT

46. Approve and authorize Clerk to execute Budget Transfer No. 69 (\$25,459) from County Service Area No. 31-B, Fund 0810, Subclass 16120, Org. 9166, Contingency Account 8991 to Professional & Specialized Services Account 7295; and adopt budget resolution increasing FY 2002-03 appropriations by \$2,000 in County Service Area No. 31-B, Fund 0810, Subclass 16120, Org. 9166, Professional & Specialized Services Account 7295 from General Reserves (4/5 vote)
47. Approve and authorize Clerk to execute Budget Transfer No. 75 (\$4,101) from County Service Area No. 5, Fund 0750, Subclass 16000, Org. 9145, Contingencies Account 8991 to Maintenance-Building & Grounds Account 7220
48. Adopt resolution authorizing Chairman to sign and submit application for California Integrated Waste Management Board Used Oil Recycling Block Grant 9th Cycle - FY 2003-04 on behalf of unincorporated portions of Fresno County and incorporated cities in Fresno County that wish to participate in this application
49. Award Contract No. 02-14-C, Bituminous Seal Coats, Various Locations in Fresno County to lowest responsible bidder, Graham Constructors, Inc., (\$1,140,515.33) including base bid and two additive bids
50. Award Contract No. 02-13-C, County and Maintenance Asphalt Concrete Overlays, Various Locations in Fresno County, to lowest responsible bidder, M.J. Menefee Construction, Inc., (\$3,001,985.83) including base bid and two alternative bids
51. Adopt resolution revising number of miles of maintained Fresno County roads
52. Find that granting easement to Pacific Gas & Electric Co. is in the public interest and will not substantially conflict or interfere with use of property by County; and execute Grant of Easement on behalf of County to Pacific Gas & Electric Co.
53. Conduct second hearing to consider amending the County of Fresno Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 1505 of Section 1500 - Parks and Grounds relating to Park Entrance Fees

Agreements – Approve and Authorize Chairman to Execute

54. Amendment to agreement with Kaplan McLaughlin Diaz to revise scope of architectural services for Phase 1 development of Juvenile Justice Campus (\$9,395,506)

AnCLWA

APPROVED ITEM NO. 54 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT

55. Amendment to agreement with Kitchell Capital Expenditure Manager to revise scope of Project/Construction Management Inspections Services and Materials Testing Services for Phase 1 development of Juvenile Justice Campus Project (\$5,972,814)

AnCLWA

APPROVED ITEM NO. 55 AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD IN 30 DAYS WITH A PROGRESS REPORT